

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Corres. and Inc.  
Entire Application of: **BOX AF**

CORR

Appln. No. 07/957,080

Filed: October 7, 1992

For: LUBRICANTS

Group Art Unit: 1105

Examiner: Ogden

RECEIVED  
MAY 26 AM 11:30  
GROUP 110

May 23, 1994  
(May 22, 1994 = Sunday)

RESPONSE UNDER RULE 116

Honorable Commissioner of  
Patents and Trademarks  
Washington, D. C. 20231

Sir:

In response to the Office Action dated December 22, 1993,  
reconsideration is requested.

It is noted that the Examiner has rejected the applicant's  
claims under Section 103 as unpatentable over WO '849 in view of  
EP '979. This rejection is not warranted. Hence,  
reconsideration and withdrawal of the rejection are requested.

Initially, it is noted that EP '979 is not a proper  
reference against the applicant's claims. EP '979 was published  
on May 20, 1992. The applicant filed his initial GB application  
on October 11, 1991. The Examiner's reference combination is  
not, therefore, a valid one for rejection purposes.

Furthermore, it is note that there is no suggestion or  
motivation in either reference to make the modifications

necessary to reach the applicant's invention. Clearly,  
070 45 05725/94 07757080 f 118 380.00 CK

CORR - Appln. No. 07/957,080

therefore, even if EP '979 were properly citable, the applicant's invention is not obvious.

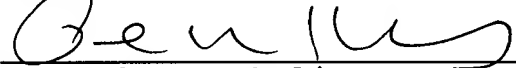
The applicant notes that the Examiner has made the rejection final. It is submitted that this is inappropriate when the rejection is based on newly cited references. In any event, the rejection should be withdrawn and the claims allowed.

Favorable consideration is requested.

Respectfully submitted,

CUSHMAN, DARBY & CUSHMAN

By



Paul N. Kokulis

Reg. No. 16,773

Tel: (202) 861-3503

Fax: (202) 822-0944

PNK:jn  
1100 New York Avenue, N.W.  
Ninth Floor  
Washington, D.C. 20005-3918  
Phone: (202) 861-3503